

REMARKS

This is in response to the Office Action dated January 26, 2005.

Claims 15-17, 19-24, 30, 32-34 and 36-38 are amended, claims 39-43 remain withdrawn, no claims are canceled, and no claims are added. Thus, claims 15-38 remain pending in this application.

Double Patenting Rejection

Claims 15-38 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 6,312,388. Applicant will consider filing a Terminal Disclaimer when the claims are otherwise found to be in condition for allowance. The Examiner is invited to call Applicant's below-named representative to address this issue when the claims are otherwise found to be allowable.

§112, 1st Paragraph Rejection of the Claims

Claims 15-38 were rejected under 35 USC § 112, first paragraph. Applicant has amended claims 15-17, 19-24, 30, 32-34 and 36-38 to clarify that sensed cardiac complex parameter values are compared to predetermined cardiac complex parameter values. Applicant respectfully asserts that no new matter is added in making the amendments, as support for the amendments can be found at least at page 13, lines 25-28 of the specification.

Applicant respectfully requests withdrawal of the rejection, and reconsideration and allowance of claims 15-38.

§112, 2nd Paragraph Rejection of the Claims

Claims 15-38 were rejected under 35 USC § 112, second paragraph. As stated above, Applicant has amended claims 15-17, 19-24, 30, 32-34 and 36-38 to clarify that sensed cardiac complex parameter values are compared to predetermined cardiac complex parameter values. Applicant respectfully asserts that no new matter is added in making the amendments, as support for the amendments can be found at least at page 13, lines 25-28 of the specification.

Applicant respectfully requests withdrawal of the rejection, and reconsideration and allowance of claims 15-38.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6960 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date 3-28-05

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 30 day of March, 2005.

Paula Suehy

Name

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Signature